United Nations CEDAW/C/BHR/Q/4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
November 2018
Original: English
Arabic, English, French and Spanish only

Committee on the Elimination of Discrimination against Women
Seventy-third session
1–19 July 2019
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fourth periodic report of Bahrain

Legislative framework

1. Please inform the Committee about measures taken to achieve the effective separation of powers and ensure the primacy of statutory law, in line with the Convention, in order to guarantee its full implementation. Please provide information on measures taken to involve religious and traditional leaders as non-State actors in the implementation process in the fulfilment of the provisions of the Convention, in general. In paragraph 58 of its report (CEDAW/C/BHR/4),[1] the State party indicates that, following accession to the Convention, it has become part of national law and that its definition of discrimination is applied in national legislation. Referring to Article 37 (2) of the State party's Constitution, requesting promulgation by law of treaties relating to the private rights of citizens, and to paragraph 59 of the report of the State party, please elaborate on the national legislation explicitly prohibiting and sanctioning direct and indirect discrimination against women in the public and private spheres and that dealing with intersecting forms of discrimination, in line with its obligations under articles 1 and 2 of the Convention, as previously recommended in the concluding observations of the Committee on the third periodic report of the State party (CEDAW/C/BHR/CO/3, para. 12) and in line with indicator 5.1.1 of the Sustainable Development Goals. In paragraph 58 of its report, the State party indicates that the definition of discrimination in the Convention is used by the courts when examining relevant cases. Please inform the Committee about the number of court cases in which reference to has been made to the Convention and its definition of discrimination against women. Please provide information on the draft legislation mentioned in paragraph 42 and on advancements made in the revision of

[1] Unless otherwise indicated, paragraph numbers refer to the fourth periodic report of the State party.

18-19855 (E) 041218

Please recycle

discriminatory legislation, including the State party's Penal Code and Nationality Law (CEDAW/C/BHR/CO/3, para. 14).

Reservations

2. The State party informs the Committee, in paragraph 52, of the adoption of Decree-Law No. 70 of 2014, which reiterates its commitment to the implementation of articles 2, 15 (4) and 16 of the Convention. Considering that the State party affirms, in the same paragraph, that its reservations do not detract from the essence of the Convention or from the principle of equality of rights and duties between men and women, please provide a timeline for the review of its reservations, which, as at 1 June 2016, concern articles 2, 9 (2), 15 (4), 16 and 29 (1), with a view to withdrawing them, in order to guarantee the full implementation of the Convention.

Women and peace and security

3. In the light of the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security, please provide information on measures taken to address obstacles, including legal, social, political or institutional, that hamper the participation of women in conflict prevention, management and resolution and to adopt a national action plan for the implementation of resolution 1325 (2000).

Access to justice

4. In paragraph 70 of its report, the State party indicates that the Supreme Council for Women grants free legal assistance for cases involving maintenance, divorce and custody, as well as in civil cases that may arise concerning other family-related matters. Please provide data on the cases reported to that institution, including cases regarding employment, education, sexual harassment, health and participation in political and public life. Please also provide information on the content of the training courses mentioned in paragraph 103, as well as on the roles of participants and their numbers. Please indicate measures taken to encourage women to report cases of violence against women (CEDAW/C/BHR/CO/3, para. 22 (f)–(g)), including cases of sexual abuse, rape and violence in the domestic sphere, such as raising awareness among women of provisions available in the State party for witness protection (para. 115) and guaranteeing that victims and perpetrators are interviewed separately.

National human rights institution

5. Please provide information on the mandate of the National Human Rights Institution in relation to women's rights, the number of complaints received from women and their outcomes. Please also indicate measures taken to raise awareness among women about that complaint mechanism and indicate whether assistance is available for those filing complaints. Please provide detailed information on measures taken to ensure the independence of the Institution, to provide it with the human and financial resources necessary to allow it to discharge its mandate efficiently and to bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Women activists, journalists and members of civil society organizations

6. In its previous concluding observations (CEDAW/C/BHR/CO/3, para. 29), the Committee expressed concern about the various forms of retribution perpetrated against women for their civic engagement. The State party, in paragraph 147 of its report, informs the Committee that those acts were based on judicial rulings and

existing legal provisions, about which it elaborates in paragraphs 144 and 145. Please provide information on measures taken to guarantee the freedom of speech, movement and association of all women in the State party, including women activists, journalists and members of civil society organizations. Please inform the Committee about measures taken to prevent, investigate, prosecute and punish abuses perpetrated against women activists and journalists before and after the adoption of the Committee's concluding observations (CEDAW/C/BHR/CO/3), which reportedly include travel bans, revocation of nationality, dismissal from employment, professional downgrading, threats, harassment and sexual harassment, violence, arbitrary detention and torture, and measures taken to ensure that women who are victims of such abuses provided with means of redress, including compensation. Please provide data on complaints brought before the General Secretariat for Grievances since its establishment in 2012. Please also indicate whether the draft law on civil organizations and institutions will allow women's associations to benefit from the State party's funding while engaging in political activities, alleviate registration procedures for those associations and reduce the supervision of them, and provide a timeline for its adoption (para. 155).

Temporary special measures

7. In its report, the State party repeatedly underlines that its Constitution, as well as its legislation, regulations and ministerial guidelines, grant men and women equal rights, freedoms and duties (paras. 56, 71, 74 and 82). Taking into account the State party's data that illustrate the lower participation of women in some fields covered by the Convention (see, for example, para. 75–77), please inform the Committee about measures taken to overcome those de facto inequalities, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and to ensure that women benefit equally from the rights, freedoms and duties granted by the State party's Constitution in all areas covered by the Convention.

Stereotypes and harmful practices

8. The Committee notes the State party's approach to women's rights, referring to their "duties towards the family", in its Constitution. Please elaborate on measures taken to interpret that approach in line with the Convention. Please also inform the Committee about measures taken to evaluate its approach to women's rights to bring about change to the widely shared, entrenched, traditional stereotypes regarding the roles of women and men (CEDAW/C/BHR/CO/2, para. 22, and CEDAW/C/BHR/CO/3, para. 20) and to ensure that women enjoy substantive equality of rights and duties on an equal basis with men beyond the content of legislation, regulations and ministerial guidelines (para. 71) and in daily life.

9. Please provide data on the polygamous and child marriages contracted during the reporting period, including on exceptions granted to the minimum age of marriage by courts. Please inform the Committee about measures taken to bring the Family Code of 2017 into line with the Convention by outlawing harmful practices, including child and/or forced marriage, including marriages of girls under the age of 18, polygamy (CEDAW/C/BHR/CO/2, para. 39, and CEDAW/C/BHR/CO/3, para. 44 (d)), the practice of the family choosing the husband, the payment of exorbitant bride prices, dowry, female genital mutilation and face covering in the territory of the State party.

Gender-based violence against women

10. Please provide detailed information on the forms of violence against women and girls that are criminalized and indicate whether marital rape, physical punishment of

women and girls by their husbands, guardians or fathers and violence occurring outside the family setting are part of the criminalized forms of violence. Please provide data, disaggregated by age, nationality, ethnicity, disability, whether the case occurs in an urban or rural area and the relationship between victim and perpetrator, on cases of violence against women, on the number of complaints filed, investigations initiated and convictions issued, as well as on the sentences imposed. Please provide a timeline for the adoption of legislation to repeal: (a) article 353 of Decree-Law No. 15 of 1976, so as to uniformly criminalize rape, including rape by a single perpetrator, gang rape and marital rape, and to remove the option for a perpetrator of rape to escape punishment by marrying the victim in any circumstances; and (b) articles 16 and 334 of Decree-Law No. 15, granting mitigated penalties for a husband assaulting and murdering his wife for committing adultery. Please inform the Committee with regard to plans to raise the minimum age of sexual consent to 18 years and the penalties imposed on women for adultery, and please provide data on stoning and death penalties imposed on women in the State party.

11. Please provide information on the achievements of the national strategy to protect women from domestic violence, the number of places currently available in shelters for victims of domestic violence and efforts undertaken to expand shelter services for victims of domestic violence throughout the State party. Please also provide information on the number of protection orders issued since the enactment of the Domestic Violence Act, whether they have been issued upon the request of the victim or another entity, the reasons for issuance and their lengths of validity.

Trafficking and exploitation of prostitution

12. Please provide data on the number of cases of trafficking in women and girls, the number of investigations, prosecutions and convictions and the sanctions imposed on the perpetrators during the reporting period. Please also provide information on cases brought forward by women migrant domestic workers or "expatriate workers" regarding non-payment of salary, withholding of passports and other personal documents, as well as regarding sexual, physical and psychological abuse by employers in the State party, indicate whether those cases were investigated under the Labour Code or as trafficking offenses and provide information on sanctions imposed. Please indicate whether its definition of trafficking is compatible with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, provide information on the number of shelters available to victims of trafficking (para. 122), their geographical distribution and the number of cases that may be received there, as well as on the nature of their funding, and indicate the criteria on the basis of which victims are referred there or to the Migrant Worker Shelter and Services Centre (para. 126).

13. In line with the Committee's previous recommendation (CEDAW/C/BHR/CO/3, para. 26 (f)), please provide comprehensive information on the prevalence of prostitution in the State party and on policies and measures adopted to prevent the sexual exploitation of women and girls in prostitution. Please also provide information on measures envisaged or in place to decriminalize prostitution, to reduce the demand for prostitution and to support women who wish to exit prostitution.

Participation in political and public life

14. Please provide updated data, disaggregated by sex, age, nationality, ethnicity, disability and whether in a rural or urban area, on women in all elected and appointed positions in the legislative, executive and judicial branches at the national, governorate and local levels. Considering that women occupy 15 per cent of the positions in the legislature and 20 per cent of seats in municipal councils only

(para. 75), please also elaborate on special measures taken, on the basis of benchmarks and specific timetables, to reach substantive de facto equality in political and public life at all levels and in all areas (CEDAW/C/BHR/CO/2, para. 29, and CEDAW/C/BHR/CO/3, para. 28).

Nationality

15. In the light of the Committee's previous recommendations (CEDAW/C/BHR/CO/2, para. 31, and CEDAW/C/BHR/CO/3, para. 34), please provide a timeline for the adoption of the amendment to the Nationality Law that would allow a Bahraini woman married to a foreigner to confer Bahraini citizenship to their children under certain conditions (para. 159), and provide information on further measures planned to guarantee that Bahraini women can confer their nationality to their husbands and children under the same conditions as men. Please also provide a timeline for the accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Employment

16. Please inform the Committee about planned measures to repeal Decree No. 23 of 2013 concerning work for which women may not be employed, and article 56 (b) of the Family Code requiring a husband's approval for a woman to work. Please indicate steps taken to repeal the sponsorship system for all women, including Bahraini women, women "expatriate workers" in the domestic sphere and women who are holders of flexible work permits. Please provide information on mechanisms in place to monitor the implementation of article 39 of the Labour Code and as article 39 of the Labour Code for the Private Sector, which both prohibit wage discrimination on the grounds of sex, and provide data, disaggregated by sex, nationality, ethnicity, whether in a rural or urban environment and whether in the public or private sector on the wages paid in the State party. Please also provide data on cases filed during the reporting period regarding discrimination against women in the workplace, including wage discrimination and sexual harassment, and the outcome of such cases. Please inform the Committee about measures taken to promote women in decision-making positions in the private and public sectors and provide a timeline for accession to the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization (ILO) (CEDAW/C/BHR/CO/3, para. 38).

Women migrant domestic workers

17. Please clarify whether women migrant domestic workers or "expatriate workers" in the domestic sphere, as well as women who are holders of flexible work permits, are covered by the provisions of the Labour Code for the Private Sector regarding wages, leave, settlement of disputes by the Ministry of Labour and Social Development and compensation for termination of service, in spite of article 2 (b) thereof (para. 184). If women "expatriate workers" in the domestic sphere and women who are holders of flexible work permits are not covered by those provisions, please provide information on steps taken to adopt legislation granting their protection. Should the mentioned protections already apply to women "expatriate workers" in the domestic sphere and women who are holders of flexible work permits, please provide information on measures taken to raise their awareness of those provisions, to monitor its implementation and to support victims of violations in the filing of complaints and in gaining access remedies before their residence permit expires, and provide data in that regard. Please also provide information as to whether they have access to health insurance, and provide a timeline for the adoption of the bill on health insurance. Please further inform the Committee about steps taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of

Their Families (CEDAW/C/BHR/CO/3, para. 54) and the ILO Domestic Workers Convention, 2011 (No. 189).

Health

18. Please inform the Committee about steps taken or plans to amend its Criminal Code, with a view to decriminalizing abortion and extending the grounds for obtaining abortion beyond situations in which the life of the mother is at risk to include, in particular, cases of serious fetal malformation and pregnancies arising from incest or rape (CEDAW/C/BHR/CO/3, para. 42). Please provide data on penalties applied to women who have undergone abortions in the reporting period. Please also provide data, disaggregated by age, nationality, ethnicity, disability and whether their location is in an urban or rural area, on women living with HIV/AIDS, as well as on the prevalence of cervical and breast cancers. Please inform the Committee about measures taken to prevent the transmission of HIV and other sexually transmitted diseases, to enhance access for women and girls to family planning information and services and contraceptives, to integrate age-appropriate education on sexual and reproductive health and rights, including on responsible sexual behaviour, into educational curricula at the primary and secondary levels and to adequately train teachers in that regard. Please provide information on sports services available outside Dar al-Aman to promote women's physical and mental health and whether the State party promotes women's national sports teams.

Women facing intersecting forms of discrimination

19. Please provide information on measures taken to protect and support Bahraini women and girls living in Qatar, those returning from Qatar after the decision on 5 June 2017 to cut diplomatic ties with the country, those who are on the list of 59 alleged terrorists issued together with Egypt, Saudi Arabia and the United Arab Emirates, which may also include women activists, and those who are family members of individuals on that list from hate speech and incitement to hate.

20. Please inform the Committee about measures taken to bring the conditions of detention in places of deprivation of liberty, including in women's removal centres, into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (CAT/C/BHR/CO/2-3, para. 23 (a)).

Equality in the law and in civil matters

21. In paragraphs 70 and 82 of its report, the State party informs the Committee about the measures taken to grant divorced or abandoned women, childless widows and single orphaned women temporary accommodation. Please indicate measures taken to allow all women to own permanent housing, including with the State's assistance, without having to obtain the permission of their husband or ex-husband. Please provide information on measures taken to repeal legal provisions requiring the husband's consent to prevent pregnancy, as well as for a woman to leave the marital home, and report on measures taken to allow the freedom of movement of all women without a legal guardian, including for their participation in the hajj.

Marriage and family relations

22. Please provide information on steps taken to bring its legislation into line with the Convention, including by repealing the following legal provisions: (a) allowing for marriages with the consent of a male guardian or judge instead of the woman's own consent; (b) allowing men to unilaterally divorce their spouses (*talaq*);

(c) obliging women to pay compensation upon divorce initiated without the husband's consent; (d) imposing a waiting period of four years before abandoned women may initiate divorce proceedings; (e) preventing the provision of written evidence on issues related to marital relationships, which may result in discriminatory distribution of debt and property upon divorce; and (f) introducing differential treatment between Sunni and Shi'a women, including with regard to marriage, divorce and custody. Please also provide information on measures taken to allow women to take up guardianship and full custody of their children upon divorce and to retain custody if she remarries, to ensure that women under no circumstances are compelled by law or practice to accept reconciliation (para. 206) and to guarantee equal distribution of property upon abandonment of the wife and of inheritance among surviving daughters and sons.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

23. Please inform the Committee about a timeline for the State party's accession to the Optional Protocol to the Convention and for the acceptance of the amendment to article 20 (1) of the Convention.